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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,053

10/12/2005

Uwe Foll

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EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/553,053	FOLL, UWE	
	Examiner	Art Unit	
	Brenda Pham	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 are pending in the application.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

3. Claim 1 is objected to because of the following informalities:

Claim 1 line 1, "Method" should be amended to "A method".

Claim 1, line 3, "in which" should be amended to "the method comprising:"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-6, 8-9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by **Haumont (US 2003/0027554 A1)**.

Regarding claim 1, Haumont discloses a method for call charging for a communication connection which is set up between a first communication terminal in first packet-switched communication network (Internet) and a second communication terminal in a second packet-switched communication network (GSM), the method comprising (referring to figures 1 and 4):

from within the first communication terminal or from within the second communication terminal a set-up request message concerning the communication network is routed to an interface node between the first and the second communication network (**"Referring to FIG. 4, the mobile station MS activates the PDP context by**

sending message 4-1 (Activate PDP Context Request) to the SGSN. In message 4-1 the mobile station provides information on the TLLI, PDP type, request QoS and NSAPI, and optionally on the PDP address and access point name APN.”)

the set-up request message is forwarded from the interface node (SGSN) to an analysis and control unit (SCP);

the analysis and control unit analyzes the set-up request message with respect to its origin and specifies by a rule whether the communication connection concerned which is to be set up will be charged or treated as charge-free ([0024] **“In the first preferred embodiment chargeable services are provided via a server WAP1 and services free of charge are provided via a server WAP 2.”** At steps 4-5 and 4-8, the SCP analyzes the PDP context to determine whether set up will be charged or treated as charge-free).

the billing is undertaken correspondingly via a billing computer ([0027], **“The SMP may also monitor and update the balance of the account during an ongoing call. When the balance is monitored in some other network node, the network node monitoring the balance (usually the SCP) updates the balance of the subscription during an ongoing call. Alternatively, the prepaid subscription information may be located in different databases and/or in some other network element, such as the home location register HLR or a separate prepaid server).**

Regarding claim 3, **Haumont** further teaches the Internet is used as the first communication network (FIG.1, 3).

Regarding claim 4, a mobile radio communication network working on a packet-oriented basis is used as the second communication network (FIG. 1, Network 1).

Regarding claim 5, the communication connection between the first communication terminal and the second communication terminal is set up via the Internet (Internet 3 of FIG. 1).

Regarding claim 6, an element of a data packet control system which controls connection set-ups is used as the interface node (SGSN of FIG. 1).

Regarding claims 8-9, a Haumont further teaches a network computer of the mobile radio communication network is used as the billing computer ([0027].

Regarding claim 11, all packets for the communication connection are routed via a special interface node (WAP1 or WAP2).

Regarding claim 12, after termination of the connection one of the subscribers transmits an end message, the end message is analyzed by the analysis and control unit, the rule is canceled and the interface nodes are notified of this ("[0033], **"The SCP monitors the balance of the account when the PDP context (and the set of service used) allows the prepaid account reaches the limit (step 205) at which services charged from the subscription are no longer allowed, the SCP triggers (step 206)**

the deactivation of the PDP context in the first preferred embodiment of the invention. This deactivation may comprise a message sent by the WAP server to the mobile station, the message informing the user the balance has reached the limit and recommending the user to deposit money in the account."

Regarding claim 13, an interface is provided between the analysis and control unit and the billing computer (see FIG. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont (US 2003/0027554 A1).

Regarding claims 7 and 10, as explained in the rejection statement of claim 1 (parent claim), Haumont discloses all the claimed limitations recite in parent claim. Although Haumont does not shows the analysis and control unit is integrated into an interface node. It would have been obvious to those having ordinary skill in the art and is a design choice to implement the analysis and control unit at the interface node.

Allowable Subject Matter

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior arts made of record fail to teach or fairly suggests in combination the steps of the analysis and control unit forwards the rule which has been specified to all interface nodes which are involved in the recording of the packets which are to be transported for the communication connection concerned, the packets are ignored by the interface nodes if, according to the rule, the communication connection concerned is to be treated as charge-free, the packets are recorded by the interface node, and corresponding billing is effected via the billing computer, if the communication connection concerned is, according to the rule, chargeable.

9. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure.

Ephraim et al (US 2004/0077332 A1) disclose a system and method for providing prepaid data transfer services to a subscriber through a communication device.

Lundstrom (US 2004/0052225 A1) discloses a method of providing charge information to a user of a mobile terminal, which information relates to an IP connection or connections being used by the user.

Application/Control Number:
10/553,053
Art Unit: 2616

Page 8

Savilaakso (US 2002/0052198 A1) discloses an arrangement for using a mobile communication service.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

February 12, 2008
Brenda Pham


BRENDA PHAM
PRIMARY EXAMINER